

Warren R. Paboojian, No. 128462
wrp@bplaw-inc.com
Jason S. Bell, No. 213234
jsb@bplaw-inc.com
BARADAT & PABOOJIAN, INC.
720 West Alluvial Avenue
Fresno, California 93711
Telephone: (559) 431-5366
Facsimile: (559) 431-1702

Attorneys for Plaintiffs
MARX FORD, individually
and as Successor in Interest to the
Estate of Gennie Price, deceased;
RODNEY FORD; MARVIN FORD;
and MORRIS FORD

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARX FORD, individually and as Successor
in Interest to the Estate of Gennie Price,
deceased; RODNEY FORD; MARVIN FORD;
and MORRIS FORD,

Plaintiffs,

vs.

REDWOOD SPRINGS HEALTHCARE
CENTER; SPRUCE HOLDINGS, LLC; and
DOES 1 to 50, inclusive,

Defendants.

Case No. 1:21-cv-00871-NONE-SAB

**PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION TO REMAND**

HEARING:

DATE: August 5, 2021

TIME: 9:30 a.m.

COURTROOM: 4

Upon consideration of the papers filed by the parties, the Court finds that:

1. Defendants have failed to carry their burden of establishing that the case is removable under the Federal Officer removal statute (28 U.S.C. § 1442(a)(1)).

2. Defendants have also failed to carry their burden of proving that the case is removable pursuant to the Public Readiness and Emergency Preparedness Act, 42 U.S.C. §§ 247d-6d, 247d-6e (West 2020) (hereinafter the "PREP Act"). The Court finds there is no "federal question" subject matter jurisdiction in this Court (28 U.S.C. § 1331).

///

1 3. The Court declines to exercise jurisdiction over the case as an “important federal
2 question.”

3 IT IS HEREBY ORDERED that this action is immediately remanded to the Superior Court of the
4 State of California, City and County of Tulare, where the action was originally filed as Case No. 286614.

5 IT IS SO ORDERED.

6
7 Dated: _____

8 UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28